

Study on emerging Good Practices from the Universal Periodic Review (UPR)

by

Miloon Kothari

International consultant for OHCHR (UPR Branch)

President, UPR Info

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Contents

	<i>Page</i>
Executive Summary.....	3
Introduction.....	3
Methodology for collecting emerging GPs.....	3
Selection of countries for the collection/analysis of UPR emerging ‘good practices’.....	4
Precedents to the emerging UPR GPs Study.....	4
Examples of emerging Good Practices.....	5
Establishing/Strengthening national mechanisms for reporting and follow-up.....	5
Preparation of National Action Plans on Human Rights.....	6
Thematic action plans.....	7
(a) Women’s human rights and gender equality/domestic violence.....	7
(b) Rights of the child.....	8
(c) Trafficking.....	8
(d) Rights of persons with disabilities.....	9
Institutionalizing National Processes for the UPR.....	9
Development of Tracking Methodologies.....	11
Preparation of Mid-Term Reports.....	12
Building and enhancing connectivity between national actors.....	13
The role of National Human Rights Institutions.....	13
The role of Parliament.....	16
The role of Civil Society.....	17
The role of UN Country Teams.....	18
UPR and development actors, including the SDGs.....	19
Conclusions and Recommendations.....	22

Executive Summary

1. In the context of the upcoming 4th cycle of the Universal Periodic Review (UPR), this study -commissioned by OHCHR (UPR Branch) - highlights emerging Good Practices (GPs) from seven countries drawn from the first three cycles of the UPR. The study is primarily based on desk research, information collected from the responses to questionnaires and online interviews with governments, national human rights institutions (NHRIs), parliaments, UN country teams (UNCTs) and civil society organizations (CSOs). Emerging good practices (GPs) attempt to capture innovative initiatives spurred by the UPR at the national level, including the role of collaborative work between different actors. The GPs include the development of national coordination mechanisms for reporting and follow up, action plans for human rights, development of tracking methodologies and tools, the benefits of preparing mid-term reports, the positive impact of technical cooperation and development assistance, and the integration of UPR recommendations in the context of the sustainable development goals. The study, focusing primarily on institutional, participatory and procedural aspects, illustrates that the lasting benefit of engagement of all national actors with the UPR is an increase in transparency regarding compliance by States with their human rights obligations and the increase of opportunities to learn from, and engage actively with the UN human rights system – with the aim to improve the human rights situation on the ground and to realize the rights of all people in society, beginning with the most vulnerable, marginalized and discriminated. The study concludes with recommendations based on lessons drawn from the GPs presented, with the expectation that these examples offer useful guidance or inspiration to countries across the globe that are seeking to create their own success stories stemming from the UPR.

Introduction

2. Since its inception in 2008, the Universal Periodic Review (UPR) mechanism of the United Nations Human Rights Council has contributed to strengthening national human rights protection systems and to reducing implementation gaps in terms of States' compliance with international human rights norms and standards. The UPR is an important addition to the existing UN human rights system, including UN treaty bodies and UN Special Procedures. The UPR is well into its 3rd cycle of reviews and the time is opportune to take stock of 'good practices' at the national level in terms of follow up to UPR recommendations. The timely nature of this study is also reflected in the current trend that States across the world are demonstrating greater willingness to take UPR recommendations seriously, just as national actors are demanding more accountability. Since its inception, the UPR has also demonstrated its contribution to enhancing the effectiveness of related UN human rights mechanisms, including the UN treaty bodies.¹

Methodology for collecting emerging GPs

3. In addition to the primary partners- governments of relevant countries, the study is the outcome of a collaborative effort conducted in consultation with a number of other stakeholders engaged on the UPR at the international as well at the national level. Good Practices (GPs) were collected following the development of questionnaires addressed to different sectors (stakeholders) (Governments; NHRIs; Parliaments; CSOs and UN entities) in seven countries (Denmark, Georgia, Kenya, Malaysia, Morocco, New Zealand and Peru). The research has been conducted primarily through desk-reviews and online interviews in 2020. The desk research also included a detailed study of mid-term reports submitted by the governments, NHRIs and CSOs from the respective countries. The study seeks to draw

¹ See, for example, Kothari, Miloon 'The Universal Periodic Review (UPR) Mid-Term reporting process: Lessons for the UN Treaty Bodies' at: <https://www.geneva-academy.ch/joomla-tools-files/docman-files/The%20Universal%20Periodic%20Review%20.pdf>.

lessons and build upon existing work relevant to UPR implementation and GPs. While the study has its inherent limitations, it is an important first step and further studies should broaden the scope of the countries/GPs covered.

Selection of countries for the collection/analysis of UPR emerging ‘good practices’

4. Countries for this study cover the five regions of the world. In addition to the geographical aspect, the existence of one or more of the following institutions and activities at the national level were among the criteria for selection:

- Institutional mechanisms for follow-up and reporting, such as inter-ministerial committees;
- Multi-stakeholder committees (including Civil Society Organizations (CSOs) National Human Rights Institutions (NHRIs) and governments);
- Active civil society involvement in the UPR process;
- Active UN system work on the UPR, integrated with efforts at implementing the SDGs (including participation of UN country team in UPR processes and submission of reports, possibly individual UN agency reports as well; the integration of UPR recommendations into the CCA/UNSDCF process was also taken into account for the selection);
- Proactive NHRI, preferably which has previously submitted stakeholder report(s);
- Parliamentary engagement on the UPR;
- Preparation of UPR mid-term reports by the government and/or other actors such as NGOs and the NHRI;
- Development of National Action Plans on Human Rights that integrate UPR recommendations; and
- Development of human rights monitoring methodologies and tools.

Precedents to the emerging UPR GPs Study

5. The current study builds on, and references, guidance contained in documents from different sources, such as those developed since the establishment of the UPR in 2008, including fact sheets, guidelines and handbooks on specific issues such as those related to the engagement with civil society, the establishment of National Mechanisms for Reporting and Follow-up (NMRFs) and other training materials² relevant to the UPR process, including the UPR Practical Guidance³ which was announced by the UN Secretary General during the launch of his ‘Call to Action for Human Rights’ initiative on 24 February 2020, and described as a “new practical guidance to every UN country leader around the world to strengthen our platforms of cooperation to address human rights challenges utilizing the power and potential of the Universal Periodic Review.” -SG report to the GA (A/72/351); HC report to the HRC⁴; Tips for engagement at country level for NHRIs and civil society⁵ and Tips on the UPR

² See, for example, the publication on human rights indicators at:
<http://www.ohchr.org/EN/Issues/Indicators/Pages/HRIndicatorsIndex.aspx>.

The publication on National Mechanisms and Follow-up (NMRF) at:
https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf

³ “Maximizing the use of the Universal Periodic Review at country level: PRACTICAL GUIDANCE”, OHCHR at:
https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

⁴ A/HRC/41/25.

⁵ “Universal Periodic Review: Tips for engagement at country level for national human rights institutions and civil society”, OHCHR at:
https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf.

for Members of Parliament.⁶ Other reference documents include several studies conducted by the independent NGO UPR Info, that are also informative in setting the stage for the current OHCHR UPR GP Study.⁷

Examples of emerging Good Practices

6. This section attempts to present the GPs thematically and includes elements that capture the innovative initiatives spurred by the UPR at the national level. It also narrates the institutional partnerships that have emerged from the accountability framework required from national actors by UPR recommendations. The section looks at changes in law or policy; budget allocations capacity; building of duty-bearers and rights holders, awareness-building and dialogue to address specific human rights issues; active participation of civil society or enhanced participation of specific groups in decision-making; enhanced functioning of specific institutions; and tools developed, strategies conceived and methodologies created, including by Governments and other national stakeholders. GPs that highlight examples of international cooperation from various sectors, including the enhanced participation of UN country teams and UN agencies are also included. In addition, this section encompasses GPs also emerging from the UPR work resulting from national efforts on the implementation of the Sustainable Development Goals (SDGs) and the 2030 Agenda for Sustainable Development. The GPs selected are all responses to specific recommendations emanating from the UPR, as reported by the national actors who form the interlocutors of this study – Governments, NHRIs, Parliaments, Civil Society organizations and UNCTs.

Establishing/Strengthening national mechanisms for reporting and follow-up

7. Actors at the national level actively engaging with the UPR, the UN Treaty Bodies and UN Special Procedures, have developed new institutional arrangements, including NMRF, such as inter-ministerial committees. Their purpose is to lead to a comprehensive approach to the implementation of all human rights mechanisms observations and recommendations, including the UPR recommendations and reporting efforts. Guidance on the creation and efficacy of NMRFs is also reflected in documents prepared by OHCHR.⁸ This section presents examples of inter-ministerial mechanisms followed by more thematic based follow-up mechanisms.

8. In Denmark, the *Inter-Ministerial Human Rights Committee* (IHRC) consists of all ministries that deal with human rights issues (effectively including all ministries). The IHRC meets four to five times per year. The mandate of the IHRC is to coordinate the UN national reporting and follow-up, as well as the work in the Human Rights Council. The Ministry of Foreign Affairs is the chair and serves as a secretariat of the committee. The Ministries of Justice, Finance, Interior and Social Affairs, and Immigration and Integration are permanent members. While the participation of other ministries in meetings is ad-hoc, depending on the substance discussed, a number of ministries participate in almost every meeting. The committee meets on an ad-hoc basis with the NHRI and civil society organizations. The IHRC coordinates national reporting and follow up, and each line ministry is responsible for the implementation of human rights within their own field. The government has reported that

⁶ “Universal Periodic Review: The specific role of members of Parliament before –during – and after the review”, OHCHR at:

https://www.ohchr.org/Documents/HRBodies/UPR/TIPs_Members_Parliament.pdf.

⁷ See, for example, ‘The Butterfly Effect: Spreading Good Practices of UPR Implementation’, UPR-Info at: https://www.upr-info.org/sites/default/files/general_document/pdf/2016_the_butterfly_effect.pdf Also see: ‘Beyond Promises - the impact of the UPR on the ground’, UPR-Info at: https://www.upr-info.org/sites/default/files/general_document/pdf/2014_beyond_promises.pdf.

⁸ See, for example, National Mechanisms for Reporting and Follow-Up: A Practical Guide at: https://www.ohchr.org/Documents/Publications/HR_PUB_16_1_NMRF_PracticalGuide.pdf.

the IHRC had not carried out any prioritization of recommendations nor set up any monitoring mechanism.

9. In Georgia, the *Human Rights Inter-Agency Council* chaired by the Prime Minister of Georgia, underwent reform at the beginning of 2020, with assistance from OHCHR. The objectives and authority of the Council were enhanced through the reform. The Council is responsible for coordinating the implementation of UPR recommendations. As a result of the reforms implemented in 2020, the composition as well as the mandate of the Council have been widened and it has been transformed into a *national mechanism for monitoring, evaluation and reporting*. A consultation group was established within the Council, which includes non-governmental organizations. In addition, the Gender Equality Council of Georgia coordinates and exercises oversight over the ministries and sub-agencies activities in the field of gender equality protection and implementation, and provides recommendations for ensuring gender equality, as required. The Council annually submits a report on gender equality in Georgia to the Parliament and prepares reports on the fulfilment of obligations in terms of ensuring gender equality under international agreements. The representatives of governmental agencies and civil society are actively involved in consultation meetings and training sessions held by the UN Women in Georgia, in cooperation with the Centre for Security, Development and a Rule of Law.

10. In March 2019, the *National Committee on International and Regional Human Rights Obligations* was established as Kenya's National Mechanism for Reporting and Follow-Up (NMRF). The Committee consists of Ministries, Departments and Agencies, the Judiciary and independent commissions, including the Kenya National Commission on Human Rights. The Office of the Attorney General and Department of Justice and the Ministry of Foreign Affairs provide secretariat support to the Committee. The Committee advises the government on measures to comply with international and regional human rights obligations and to coordinate and prepare reports to, and engage with, international and regional human rights mechanisms. The Committee also coordinates and tracks follow-up and implementation of treaty obligations and the recommendations emanating from UN treaty bodies. In the 3rd UPR cycle, the Committee led consultations towards the preparation of the National Report.

11. The establishment of the *follow-up mechanism* following Malaysia's 3rd UPR review has encouraged a more coordinated and frequent engagement with the UNCT, NHRI (SUHAKAM), civil society and the judiciary throughout the UPR process. Such engagement helps in the identification and prioritization of key human rights issues that are most relevant to the domestic context.

Preparation of National Action Plans on Human Rights

12. In a number of the countries included in the study, the UPR has spurred action towards the drafting of a National Action Plan on Human Rights. These plans have incorporated implementation measures built on UPR, Treaty Body and Special Procedures recommendations. Guidance is available on national human rights action plans.⁹ The action plans presented include overarching national human rights plans as well as those with a thematic focus.

13. In an attempt to ensure full implementation of UPR recommendations in a comprehensive, transparent and accountable manner, New Zealand has developed a *National Human Rights Plan* to set out actions taken to protect and promote human rights, as a result of its commitments through the 2nd Universal Periodic Review (UPR) in 2014.

14. The Peruvian *National Human Rights Plan* includes UPR recommendations and SDGs (and related targets). To elaborate the Plan, OHCHR facilitated sessions on good practices in crafting human rights public policies using indicators, SDGs and human rights recommendations, and offered the opportunity for stakeholders in Peru to learn from the experiences of Argentina, Ecuador, Mexico, Paraguay and Chile.

⁹ See: <https://www.ohchr.org/en/issues/plansactions/pages/plansofactionindex.aspx>.

15. In Morocco, the preparation and review of the national report under the UPR and monitoring of resulting recommendations is carried out by an Inter-ministerial delegation in charge of human rights law (IHRL).¹⁰ A *National Action Plan for democracy and human rights* was adopted by the government of Morocco at the end of 2018. The action plan includes 435 measures aimed at guaranteeing rights and equality before the law for vulnerable groups. As part of its mission to participate in and support the development of public policy, the Inter-Ministerial Delegation for Human Rights has ensured the integration of several issues raised by the UPR in the National Action Plan in the field of democracy and human rights, such as emerging questions linked to business and human rights.

16. In Georgia, the *Human Rights Inter-Agency Council* participates in national dialogues and the preparation of public policies, such as the *National Action Plan for Democracy and Human Rights*, justice system reform, strategic planning on disability, and national dialogue on civil society. *The Human Rights Action Plan 2018-2020* adopted by the Government of Georgia includes a special section incorporating international recommendations. The government pays special attention to UPR/human rights mechanisms' and other Treaty Body recommendations while drafting and implementing the Action Plan. This aims at ensuring that international recommendations, such as UPR and the Sustainable Development Goals (SDGs) are reflected, prioritized, and applied at the national and local levels. Besides, the country plans to identify and establish a system through which the UPR/human rights mechanism's recommendations will be well reflected in Georgia's SDGs framework. In March 2020, the Government of Georgia established an inter-agency working group for the elaboration of the 2nd *National Strategy for the Protection of Human Rights* and the 4th *Government action plan on the Protection of Human Rights*. The Adviser to the Prime Minister on Human Rights and Gender Equality Issues coordinates the activities of different Government bodies and state officials in the field of human rights.

Thematic action plans

17. In addition to overarching national action plans, as a result of recommendations from the UPR, governments have also initiated or further focused action plans and strategies on specific themes requiring attention at the national level. This section of the study illustrates some GPs emerging from the elaboration of such thematic plans.

(a) Women's human rights and gender equality/domestic violence

18. In Georgia, Action Plans for 2018-2020 were developed for women's empowerment and gender equality that propose detailed measures to implement during three years (2018-2020). The Inter-Agency Commission has elaborated a Unified National Communication Strategy and Action Plan on Violence against Women and Domestic Violence. This document aims to contribute to the coordination and effectiveness of work of the responsible agencies and implementation of integrated state policy for prevention of violence against women and domestic violence.

19. In November 2013, the Parliament of Greenland, Inatsisartut, adopted a *National Strategy and Action Plan against Violence 2014-2017*, which includes 31 activities primarily targeted at combatting domestic violence. This includes *legislative amendments, campaigns, psychosocial reinforcement* and more. The activities of the action plan focus on prevention within four main goals to (1) support the victim, (2) break the circle of violence, (3) upskill professionals, and (4) advance knowledge and information on violence. The Government of Greenland has reported it has begun implementing the plan.

20. The Danish Government is currently implementing its fourth *National Action Plan on Violence in Intimate Relations*. The national action plan will serve as a supplement to a comprehensive system of publicly funded services for victims of violence including health

¹⁰ The inter-ministerial delegation is a government entity created in 2011 as a specialized agency for interaction with UN human rights mechanisms and in charge of the development and monitoring of government human rights policy.

care, shelters and social services. As a first step, in 2017, a new national unit against violence in intimate relations was established. The unit will operate a national hotline, organize rehabilitations networks for victims of violence and provide knowledge on violence to professionals across sectors.¹¹

(b) Rights of the child

21. In April 2012, the Government of Georgia adopted a National Action Plan 2012-2015 for Child Welfare and Protection (NAP) under the Government Order N762 and established an Inter-Agency Coordinating Council for the implementation of NAP. The Council is guided by the Constitution of Georgia, international agreements and treaties, other related legislation and regulations. The Council has established Working Groups (WGs) for the preparation of research, analyses and recommendations within their competence/mandate. Membership of the WG is open to the representatives of governmental and non-governmental agencies, relevant legal entities, international organizations, experts and scientists.

22. Thematic Working Groups and task forces were created to deal with various issues related to children on streets. The 2013-2014 Trafficking in Persons (TIP) National Action Plan (NAP) includes measures to identify children in street situation and an “awareness raising campaign regarding forced labour and sexual exploitation. The Central Criminal Police Department of the Ministry of Internal Affairs of Georgia elaborated an action plan for mobile groups, which are in charge of issues related to children in street situations.

(c) Trafficking

23. Denmark is also giving increased attention to children as persons vulnerable to human trafficking through the Danish *Action Plan to Combat Human Trafficking* (2011-2014). To raise awareness, the Danish Centre against Human Trafficking (CMM) has conducted extensive training for outreach workers and social workers in close cooperation with major municipalities, governmental and non-governmental social organizations, trade unions, the police, the Danish Prison and Probation Service, Immigration Service and asylum centres.

24. Georgian *counter-trafficking policy* is coordinated by the *Interagency Council on Combatting Trafficking in Human Beings* chaired by the Minister of Justice of Georgia. The Council consists of relevant Governmental Agencies, local NGOs and International Organizations. The Council is the main policy shaper and coordinating body on Anti-Trafficking policy.

25. The Plan of Action¹² against forced labour, people trafficking and slavery is currently being updated to reflect changes in legislation as well as the nature of people trafficking in New Zealand. Work to update the Plan of Action is currently underway. New Zealand has comprehensive laws to prosecute traffickers, however there is still a need to increase efforts to identify victims through proactive screening of vulnerable populations, including women and children in prostitution, foreign workers, and undocumented migrants. Currently, many do not speak up for fear of losing jobs and, by extension, visas, making them subject to deportation.

26. In July 2014, the *Counter Trafficking in Person's Advisory Committee*, established under section 19 of the Counter-Trafficking in Persons Act 2010 of Kenya, was launched. Members of the committee are nominated from the government and civil society organizations. The main function of the Advisory Committee is to *advise the Minister on inter-agency activities aimed at combating trafficking in persons*. The Advisory Committee is also mandated to enhance the implementation of preventive, protective and rehabilitative

¹¹ The government has reported that the implementation of this national action plan is being thoroughly evaluated by the independent consulting firm, Oxford Research. The evaluation will be used to develop new policies.

¹² *Combatting Modern Forms of Slavery: Plan of Action Against Forced Labour, People Trafficking and Slavery*. Available at: <https://www.mbie.govt.nz/dmsdocument/13568-combatting-modern-forms-of-slavery-plan-of-action-against-forced-labour-people-trafficking-slavery>.

programmes for trafficked persons (p. 49 UPR II). Through the *Counter Trafficking in Person's Advisory Committee*, the Government of Kenya has put in place a *National Plan of Action for Combating Human Trafficking - Strategic Framework 2013-2017*. The purpose of the Action Plan is to promote cooperation between different stakeholders from all sectors and lay the groundwork for closer cooperation with other countries in the region and beyond. The Plan is complemented by Kenya's blueprint for development, Kenya National Vision 2030.

(d) Rights of persons with disabilities

27. New Zealand has also developed a *National Pasifika Disability Plan*.¹³ The Ministry of Justice support to the Judiciary, in its operation of 15 Rangatahi Courts and two Pasifika Courts, is in progress. Rangatahi and Pasifika Courts aim to ensure the best possible engagement of young offenders and their whānau/fanau in the Youth Court process. *The Pasifika Education Plan*¹⁴ is also in progress and sets out the Government's strategic direction for improving learner and student outcomes for Pacific people in New Zealand. The Tertiary Education Strategy is also being reviewed. The new *Tertiary Education Strategy* will have an emphasis on equity and how tertiary education can better support the aspirations of Pacific peoples. The *New Zealand Disability Strategy 2016–2026* guides the work of government agencies on disability issues and was co-designed by people living with disabilities and government officials. It ensures everyone is treated with dignity and respect at all times and that no one is left behind. One of the Disability Strategy's outcomes relates to education. In 2019, New Zealand announced a *Learning Support Action Plan*, setting out the priorities towards improving learning support to ensure that every child and young person who needs it will get the right support at the right time.¹⁵

Institutionalizing National Processes for the UPR

28. In addition to National Action Plans on Human Rights, governments that are part of this study have reported various follow up actions to the UPR recommendations. These include:

29. In Kenya, an *Anti- FGM Board*, a Semi-Autonomous Government Agency was established in December 2013, following the enactment of the Prohibition of Female Genital Mutilation Act in 2011. The Board's mission is 'to uphold the dignity and empowerment of girls and women in Kenya through the coordination of initiatives, awareness creation and advocacy against FGM'. The board has since its creation carried out awareness-raising and education campaigns. As part of the efforts to reach local groups and communities, the Board, in collaboration with other implementing partners, has conducted sensitization campaigns aimed at protecting the girls and women from FGM in several counties.

30. In the preparation for its UPR 3rd cycle report, Denmark held four *public hearings* in Aarhus, Aalborg, Odense and Roskilde, as well as one in Nuuk, Greenland.¹⁶ The hearings were prepared by the Ministry of Foreign Affairs in close cooperation with the NHRI. In the 3rd cycle, the hearings have been prepared with universities in the four cities outside Copenhagen. This approach was selected to involve universities in the UPR process and to reach out to the student and academic community. The universities in some cases also involved local administration bodies, in order to attract broader participation. The first draft

¹³ *Faiva Ora 2016-2021: National Pasifika Disability Plan* at: <https://apo.org.au/sites/default/files/resource-files/2017-02/apo-nid73909.pdf>.

¹⁴ *The Action Plan for Pacific Education 2020–2030* at: <https://www.education.govt.nz/our-work/overall-strategies-and-policies/action-plan-for-pacific-education-2020-2030/>.

¹⁵ *Learning Support Action Plan 2019-25* at: <https://conversation.education.govt.nz/conversations/learning-support-action-plan>. The government has reported that the draft Disability and Learning Support Action Plan aims to build on current work, such as the Learning Support Delivery Model and the Ministry of Health-led Disability Support System Transformation.

¹⁶ <https://undocs.org/en/A/HRC/WG.6/38/DNK/1>, para. 2.

report is shared with the public in a hearing process, typically with a one-month deadline for comments. The draft is made available on the website of the Ministry of Foreign Affairs and is also disseminated through the NHRI to relevant civil society organizations, including the UPR-committee and the Council for Human Rights, which also includes political party's representatives as members. Comments received in the public hearing process are shared with the relevant ministries. The final report is approved by the contributing ministries as well as the Minister of Foreign Affairs before being sent to the UPR working group.

31. The Peruvian *National Human Rights Council*¹⁷ is the advisory body of the Executive Branch on human rights issues. After several modifications to its structure, it has enabled the Peruvian State to respond to its human rights commitments, from a more comprehensive perspective, including through participation as observers of most of the ministries of the Executive, the Judiciary, the Attorney-General's Office and several civil society organizations and the Ombudsman. OHCHR also sits on the council as an observer, without vote. This space has also generated greater awareness that efforts to craft public policies, such as the national human rights plan, are linked and consistent with recommendations from UN human rights mechanisms, such as the UPR.

32. The established consultative process of the Peruvian model has been described by the National Human Rights Council as "planned" and "participatory" with intervention from CSOs, led by the Ministry of Justice and Human Rights (MoJ) and other relevant national entities. CSOs provided inputs directly or through the National Human Rights Council. The National Directorate of Human Rights, within the MoJ elaborates a preliminary draft with inputs from the Executive, Legislative and the Judiciary. This preliminary draft is shared with the NHRC. The Ministry of Justice shares the draft among sector's focal points along with a document including Treaty Body and Special Procedure recommendations and other international obligations, Ombudsman findings and CSOs reports received in the 3rd cycle. The Ministry of Foreign Affairs assesses recommendation vis-a-vis foreign policy. In parallel, the sectors make decisions on which recommendations to accept or to note. If a decision is to be noted, a justification is provided based on national HR priorities and plans. The Ministry of Justice leads discussions in which final decisions are made and is responsible for consolidating and compiling a final national report. The Ministry of Justice gives the final approval and further submits to the UN. In order to further elaborate the Plan, OHCHR facilitated sessions on comparative experiences and good practices in designing HR public policies using indicators, SDGs and including HR recommendations.

33. The New Zealand Ministry of Foreign Affairs and Trade held public consultations in eight cities and towns around the country in March and April 2018. The New Zealand Human Rights Commission also participated in the consultations and presented information on the UPR. The Government also provided its draft UPR submission for public comments in early 2019 prior to its formal adoption of the UPR 3rd cycle recommendations in July 2019.

34. Following Malaysia's 3rd UPR, the Government institutionalized biannual consultations on the UPR recommendations. The first two sessions were held in January and July 2019 and included the participation of federal and state government agencies, the UNCT, including OHCHR, SUHAKAM as well as CSOs. The session in January 2019 was dedicated to debriefing the participants on the outcome of the 3rd UPR, as well as the Government's vision and way forward to implement the recommendations. The session in July 2019 focused on the development of the UPR recommendations implementation matrix (UPR Matrix). The Ministry of Foreign Affairs held a session in July 2020 that discussed the populated Matrix. However, due to the COVID-19 pandemic, a second session in 2020 could not be conducted. In 2021, a session was held on 24 March 2021 to further improve the UPR Matrix and facilitate preparation of Malaysia's first voluntary mid-term report. Following the establishment of several new human rights related mechanisms, such as the National Unity Advisory Council (MPPN) in June 2020 and the Special Select Committee on Fundamental Liberty and Constitutional Rights in November 2020, the Government plans to engage them to ensure an inclusive approach in institutionalizing national processes for the UPR.

¹⁷ <https://www.minjus.gob.pe/cnddhh/>.

Development of Tracking Methodologies

35. Different actors including governments, NHRIs and NGOs, have developed tracking methodologies and tools to monitor progress on the implementation of UPR recommendations. OHCHR has also developed a National Recommendations Tracking Database (NRTD).¹⁸

36. The current process within the Danish Inter Ministerial Human Rights Committee (IHRC) includes developing a matrix with the recommendations (accepted recommendations in the case of UPR) and an explanation of the Danish position/intended follow-up by the responsible line ministry(ies) for each recommendation. The matrix is developed shortly after the examination as an internal document. The matrix is a useful tool in the implementation process. Ideally, the matrix is revisited once or twice for follow-up during the cycle. The IHRC is currently looking into ways to achieve a more systematic approach to follow-up on recommendations, including on strengthening the civil society engagement in this process.

37. An implementation matrix of UPR recommendations supported by the government of Kenya and recommendations emanating from Treaty Body Mechanisms such as the Committee on the Rights of the Child and the Committee on Economic, Social and Cultural Rights was developed and agreed upon by all stakeholders following Kenya's review under the 2nd UPR in 2015. The implementation matrix¹⁹ has clustered all recommendations in four broad thematic areas i.e. legal and institutional reforms; civil and political rights; economic, social and cultural rights; and group rights. The recommendations are further unpacked to identify specific action by government, indicators/data to track progress of implementation, the government body responsible for implementation, potential partners and timeframe for implementation. The tool, which was adopted by the government of Kenya, has formed the basis upon which the government of Kenya, Civil Society Organizations and the Commission have assessed the extent to which the government has implemented the recommendations it supported in 2015 through the respective mid-term reports.

38. The Public Defender of Georgia has reported that they were in the process of developing a monitoring mechanism for the implementation of UPR recommendations. The government of Georgia received new recommendations in the January 2021 UPR review. The Public Defender of Georgia plans to follow-up the implementation of these recommendations, as in earlier cycles of the UPR, with the involvement UPR Info. In general, in its alternative reports, PDO is covering all UPR recommendations, both accepted and noted.

39. The Ministry of Foreign Affairs and the UN in Malaysia (UNCT) have jointly developed a monitoring matrix that includes reference to relevant articles/protocols to the human rights conventions and the SDGs, as well as align it to the recommendations of the National Human Rights Action Plan (NHRAP). The UNCT has appointed a consultant to populate the matrix.

40. Malaysia has also decided to implement the National Recommendations Tracking Database developed by OHCHR that facilitates the recording, tracking and reporting on the implementation of Human Rights recommendations. The system also allows agencies to update indicators on the development of a recommendation related to their respective agencies. NRTD can be viewed by the public and the CSOs and can strengthen dialogue and culture of human rights in the State, academia, civil society and the media. Considering that the Government is also committed to submitting a mid-term review, the UPR Matrix will provide a clear and simple follow-up for all agencies to this end. Inputs and status of implementation updates were previously received from the relevant line agencies on an ad-

¹⁸ The National Recommendations Tracking Database (NRTD): A tool to support implementation of human rights recommendations by States, OHCHR at: <https://www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf>.

¹⁹ https://www.upr-info.org/sites/default/files/general-document/pdf/kenya_2nd_cycle_final_matrix_2016.pdf.

hoc basis, upon request. The tracking database also incorporates technical inputs from the Malaysian NHRI, SUHAKAM.

41. Following the 2nd cycle of the UPR, the New Zealand Human Rights Commission developed an online tool for monitoring and reporting progress made against the recommendations that had been accepted by the New Zealand Government. This involved regular interactions with Government agencies whose areas of work corresponded to the various UPR recommendations. A revised approach is currently being considered for the 3rd cycle that may involve focusing on specific human rights recommendations rather than recording all of them. The Commission also published in July 2019, a final report on the second cycle UPR recommendations.²⁰

42. In Peru, the OHCHR matrix²¹ was used by the government for following up recommendations, facilitating a transversal and integrated analysis in all stages of the UPR.

Preparation of Mid-Term Reports

43. A welcome development within the UPR cycles is the voluntary practice of Governments and other stakeholders to prepare mid-term reports (MTRs).²² The MTRs allow for an assessment of the stage at which States are at towards implementing UPR recommendations. The MTRs also present an opportunity for national actors to detail the steps they are taking, including advocacy, institutional building and the development of implementation tools and strategies, towards implementation.

44. The initiatives taken by States to engage different stakeholders in the preparation of their mid-term reports is laudable. This practice has allowed for different perspectives on human rights in a given country to be reflected in the government reports. Such a practice has, however, not restricted the submission of UPR mid-term reports by NGOs and NHRIs either individually or collectively. The submission of NGO/NHRI reports has brought necessary independent perspectives into the mid-term reporting process. This section presents the process and benefits of the MTRs prepared by States, NHRIs and CSOs that are the subject of the current study.

45. *Collaboration* has been a defining feature of the preparation of MTRs among the selected countries. The UPR Committee of the Danish Human Rights Council, for example, consisting of 20 collaborating CSOs, prepared a joint report in consultation with the Danish Institute of Human Rights.²³ The Danish government consults the Danish NHRI on an ongoing basis for the preparation of both the mid-term and the national reports. The Government of Morocco has involved the NHRI, CNDH, either during the development of national reports and two mid-term reports. The Institute's assistance to civil society organizations includes technical assistance and coordination for drafting a joint consultation response to the government's draft mid-term report. The CNDH Morocco shared also comments on the draft mid-term report with the government.

46. Governments across the world have been submitting MTRs, following the GP model of consultation with different national actors. For instance, the Ministry of Foreign Affairs of Georgia, the agency in charge of consolidating the UPR reports, shares the draft mid-term and national reports with the Public Defender's Office (PDO) of Georgia for their review and comments prior to submission. In addition, the government has regularly organized interagency meetings to discuss the feedback from different stakeholders, including the PDO.

²⁰ See: https://www.hrc.co.nz/files/4915/6530/4404/NPA_Report_2019_FINAL.pdf.

²¹ <https://www.ohchr.org/Documents/HRBodies/UPR/NRTD.pdf>.

²² As of 2 November 76 States have voluntarily submitted MTRs. These reports, and the MTRs submitted by NHRIs and CSOs can be found at:

<https://www.ohchr.org/EN/HRBodies/UPR/Pages/UPRImplementation.aspx>.

²³ Report submitted in June 2018. See: https://www.upr-info.org/sites/default/files/document/denmark/session_24_-_january_2016/jointngosubmissiondenmark.pdf. The Danish Government in drew from this report for its own mid-term report.

47. In 2015, during the 2nd cycle of the UPR, Georgia undertook the voluntary commitment to submit a mid-term report on the implementation of the recommendations received at the 2nd cycle of the UPR. The mid-term report was prepared with participation of all line ministries and relevant agencies. The Ministry of Foreign Affairs of Georgia continues to actively cooperate with all relevant stakeholders, including representatives of international and non-governmental organization and national human rights institutions in the course of drafting the national or mid-term report, which is presented to them for their comments and feedbacks, with the support of OHCHR. The relevant feedback, comments and observations provided by civil society organizations and other stakeholders are taken into consideration before submitting the final draft of the national report to the Parliament of Georgia for their review and approval.

48. Also noteworthy is the mid-term report²⁴ developed by the Kenya Stakeholders' Coalition on the UPR. A good practice that followed in the preparation of this report is that the Steering Committee called for and received technical support from the Kenya National Commission on Human Rights (KNCHR), OHCHR and UPR Info Africa.

49. The Malaysian NHRI, SUHAKAM, has submitted its stakeholder report for all three cycles and midterm reports for the 2nd and 3rd cycle. Prior to the submission of SUHAKAM's mid-term report for the 3rd UPR Cycle, SUHAKAM organized a consultation with government agencies and CSOs in May 2021 to discuss and obtain feedback on SUHAKAM's draft mid-term report. For the 1st and 2nd cycle, SUHAKAM and civil society organizations provided contributions for the government's mid-term report. The Government of Malaysia reported that it planned to submit a mid-term report following the 3rd cycle review. Additionally, the Government has also institutionalized two multi-stakeholder engagements annually. This engagement will present the platform for consultations on the mid-term review report. Similarly, the NHRI from Morocco, CNDH, contributed a mid-term report that assessed the implementation of the recommendations of the UPR. The Danish Institute of Human Rights has also submitted MTRs.

Building and enhancing connectivity between national actors

50. The UPR has galvanized collaborative activities involving governments, NGOs, NHRIs, parliaments and increasing interest from the academia and media. The GPs selected demonstrate an institutional spread – reflecting the resonance that the UPR has received in government bodies, independent institutions such as NHRIs, civil society organizations, parliaments and other actors at the national level. The UPR has also led to better coordination between different pillars of the UN, such as the human rights protection system and the SDGs, and within the UN human rights system – including by reinforcing the work of Treaty Bodies and Special Procedures. The UPR has also contributed to more collaboration between national and international actors. While the role of governments has been extensively covered in this study, the focus in this section is on the role played in the UPR process by NHRIs, Parliaments and CSOs.

The role of National Human Rights Institutions

51. The importance of National Human Rights Institutions (NHRI), especially those with 'A' status in accordance with the Paris Principles²⁵, cannot be overstated. Owing to their mandate to monitor state compliance with international human rights commitments, they play a critical role in the processes that lead to developing GPs for the UPR. A recent document

²⁴ Report submitted in October 2018. See: https://www.upr-info.org/sites/default/files/document/kenya/session_21_-_january_2015/kenya_cso_upr_mid_term_report_final_revised.pdf. Led by a Steering Committee, the Coalition brings together over 60 NGOs that work on different aspects of human rights in Kenya.

²⁵ For the text of these principles see: <https://nhri.ohchr.org/EN/AboutUs/Pages/ParisPrinciples.aspx>.

from OHCHR outlines the ways in which NHRIs contribute to the success of the UPR mechanism.²⁶ This document stresses the role of NHRIs as a bridge between governmental institutions and civil society, the judiciary and Parliaments, as a relay between the national and international human rights systems and as a contributor to the UPR mid-term reporting process. This section presents some examples of GPs drawing from the countries that are the focus of the current study.

52. *Human rights education* involving the UPR is a key GP arising from the work of NHRIs. The Malaysian NHRI SUHAKAM, for example, *conducted a number of training sessions on the UPR process for its members and staff*. At times, SUHAKAM has also collaborated with the UNCT in organizing UPR consultations and participated in UPR related programmes organized by UNCT and the United Nations Development Programme (UNDP). SUHAKAM, in certain instances, has *collaborated regionally with other NHRIs in ASEAN* on common issues with other NHRIs in the region. For example, in 2019, SUHAKAM signed a Memorandum of Understanding (MoU) with the National Commission on Human Rights of Indonesia (Komnas HAM) and with the National Human Rights Commission of Nepal to strengthen cooperation and address issues related to statelessness and migration.²⁷

53. The National Human Rights Council of Morocco uses the UPR recommendations as a tool for advancing human rights in Morocco. The annual reports of the CNDH of 2019²⁸ and 2020²⁹ as well as the memorandum on the amendment of the Criminal Law³⁰ took up the UPR recommendations and called on the government to implement them. These include recommendations related to the abolition of the death penalty, equality between men and women, child marriage, ratification of international human *rights* instruments, etc. Several UPR recommendations have been implemented, including a law establishing a national preventive mechanism against torture.³¹ The CNDH also included in its strategy 2019-2021³² the UPR as a platform where it continues its engagement with the UN human rights system.

54. The Malaysian Human Rights Commission – SUHAKAM has *consistently supported the involvement of a wide range of stakeholders by holding consultations, briefing sessions and dialogue with government agencies, civil society organizations (CSOs), media, embassies, parliamentarians and general public*. SUHAKAM made efforts to ensure the participation of CSOs from varying backgrounds and has partnered with them to jointly organize roundtables and consultations to consider UPR recommendations on specific human rights issues. Through continuous engagement and regular meetings on matters related to the UPR, SUHAKAM has developed a strong partnership with the Ministry of Foreign Affairs, which is the lead coordinating body for Malaysia’s UPR. For example, in 2019, SUHAKAM had organized UPR consultations with the State Governments of Sarawak and Sabah to provide briefings to the State Governments on the UPR process and discuss the way forward to implement accepted recommendations. The consultations provided a useful platform for constructive dialogue and for bridging, the gap between the Federal and State Governments to discuss UPR related matters.

²⁶ “Universal Periodic Review: Tips for engagement at country level for national human rights institutions and civil society”, OHCHR at:

https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf

Also see: ‘The Universal Periodic Review: A Guide for National Human Rights Institutions’ at: https://www.upr-info.org/sites/default/files/general-document/pdf/nihrc_an_nhri_approach_to_the_upr_process.pdf.

²⁷ The MOU signed by SUHAKAM and Komnas HAM states that both parties aim to use the UPR mechanism to jointly raise the issue of statelessness to their respective governments.

²⁸ Available on this link: <https://www.cndh.org.ma/ar/node/36304>.

²⁹ Available on this link: <https://www.cndh.org.ma/ar/node/36995>.

³⁰ Available on this link: https://www.cndh.org.ma/sites/default/files/cndh_-_memo_code_penal_vf_5mai.pdf.

³¹ This is Law 76.15 adopted in 2018 and available here:

https://www.cndh.org.ma/sites/default/files/loi_76-15_relative_a_la_reorganisation_du_cndh_1.pdf.

³² This strategy was adopted by the CNDH General Assembly in 2019.

55. The Kenya National Commission on Human Rights (KNCHR), through the Kenya Parliamentary Human Rights Association as well as the Caucus on Business and SDGs, has engaged members of the Kenyan Parliament on the UPR and treaty body mechanisms. In their engagements, the KNCHR, in collaboration with OHCHR, has taken the opportunity to bring to the attention of these caucuses the obligations of Kenya under human rights treaties and conventions that Kenya is a signatory to as well as observation and recommendations emanating from the UPR and Treaty Body Mechanisms.

56. *Support to CSOs* is a good practice followed by a number of NHRIs. The Danish Institute, for example, promotes the coordination of civil society, and provides assistance to civil society organizations. In 2010, a UPR Committee was established on an ad-hoc basis under the auspices of the Human Rights Council (Rådet for Menneskerettigheder) to support the submission of a joint stakeholder report by ten NGOs as part of the Danish UPR review in 2011. The UPR committee consists of NGOs with a special interest in the UPR process. In March 2012, the Human Rights Council (Rådet for Menneskerettigheder) decided to make the UPR Committee permanent to maintain focus on the implementation of accepted UPR recommendations.

57. During the lead up to New Zealand's 3rd cycle review, the Human Rights Commission supported the submission of reports and engagement with the UPR process by CSO stakeholders through (a) Prior to between February and June 2018 the Commission *holding public community consultations throughout the country* (between February and June 2018) to hear about the human rights concerns and to advise on and encourage participation in, the UPR submission process.³³ As well as general consultations, the Commission ran targeted consultations with the following population groups: Maori, Pasifika, Women, Sex, gender and sexual minorities (SOGISC) and People with Disabilities and (b) *The coordination of New Zealand's first in-country UPR pre-session*³⁴, which was held in Wellington on 26 October 2018. The pre-session was facilitated by NGO UPR Info and was preceded by CSO training programmes held in Auckland, Wellington and Christchurch in October 2018.³⁵ During public consultations that took place throughout New Zealand from February to April 2018, the Commission *provided information on the UPR process, how it relates to the other UN human rights mechanisms and reporting processes, as well as technical information on the submission process itself*.

58. The Peruvian NHRI, in the context of its *human rights education work*, has developed a Human Rights Information Centre dedicated to education activities, including raising the importance of the UPR. The Peruvian NHRI uses the UPR recommendations as a basis to formulate their own recommendations and to monitor the state vis- a- vis the human rights obligations of the country. The NHRI uses the commitments adopted by the state in the UPR to remind the public sector of their duties.

59. NHRI involvement in the *monitoring of the implementation of all accepted and noted UPR recommendations* is also regarded as a good practice. The Peruvian NHRI has been involved in this process, including follow up to all UPR recommendations at the level of Adjuntias (Human Rights and Persons with Disabilities; State Administration; Constitutional Issues; Women rights; Environment, Public services and indigenous peoples; Children and Adolescents; Prevention of conflict and governance; Fight against Corruption, Transparency and State Efficiency).

³³ A summary of this discussion is available at: https://www.hrc.co.nz/files/5015/3307/4090/NZ_Human_Rights_Commission_Submission_New_Zealand_UPR_2018.pdf, Annex B, p 26.

³⁴ As noted by the Commission, such a pre-session allowed for the broad participation groups across New Zealand who would not have been able to travel the great distance to Geneva. Report available at: <https://www.hrc.co.nz/our-work/international-reporting/universal-periodic-review>.

³⁵ The pre-session was attended by representatives from 33 embassies and consulates. Over 60 CSO observers attended the pre-session. A Panel of 13 CSO organizations made presentations to the diplomats in attendance.

60. *Changes in national legislations and policies* stemming from UPR recommendations are important priority actions for NHRIs. The Peruvian NHRI, for example, issued a report (Informe Defensorial N° 175) in 2018- “Human Rights of LGBTI persons: Need for a public policy for equality in Peru”, which cited the UPR recommendations, including urging Peru to consider the application of the Yogyakarta principles to inform public policies.

The role of Parliament

61. The role of Parliaments is becoming increasingly visible and impactful in the UPR process. This is a positive development as, up until the emergence of the UPR, the involvement of Parliaments in upholding state commitments to international human rights instruments was not as common. In a document recently issued by OHCHR³⁶, key insights are provided into the potential positive role that Parliaments can play in ensuring discussion and debate at different stages of the UPR process. Parliaments can contribute to the preparation of the national reports, participate in review at the UN and ensure follow-up to the recommendations that require parliamentary action, including adequate budgetary and legislative support.

62. In the Parliament of Georgia, the *Human Rights and Civil Integration Committee* reviews any given recommendation stemming from various human rights mechanisms and has a coordination function. However, depending on the context, the *Committee of European Integration, Foreign Relations Committee* and *Legal Issues Committee*, as well as other concerned committees can be involved. The Parliament’s role begins when the Government of Georgia submits its national report. Before providing the final report on the implementation of recommendations to the HRC, the Government submits the draft document to the Parliament for further review and discussion in the Plenary, according to the procedure prescribed in the parliamentary Rules of Procedure. The Parliament also has a role to play once the outcome of the review is adopted in the UN Human Rights Council. Additionally, the Parliament receives a mid-term report on the status of implementation of recommendations from the government.

63. The Parliament of Georgia carried out a number of activities in follow-up to UPR recommendations aiming at strengthening gender equality and empowering women: in 2017, it **ratified the Council of Europe Convention on Preventing and Combating Violence against Women and Domestic Violence** (Istanbul Convention; it also introduced amendments to the Law of Georgia on the **Elimination of Domestic Violence, Protection and Support of Victims of Domestic Violence, expanding** the scope of this law to include not only domestic violence, but also general violence against women.

64. In the Parliament of New Zealand, the *Justice Committee* and the *Foreign Affairs and Trade Committee* have broad oversight responsibilities also for the work of Ministries and agencies involved in the UPR. The Justice Committee referred to the role the Human Rights Commission played in the UPR process in its 2018/19 annual review of the Human Rights Commission.³⁷

65. According to the government of Malaysia, while there is no requirement to discuss its response to UPR recommendations in the Parliament, the Parliament has engaged, from time to time, with the UPR during debates as well as Question and Answer (Q&A) sessions, on specific issues relating to human rights. According to government, the Parliament has indicated an interest in participating more actively in the UPR process in the future. This type of involvement can take place through the Parliaments Special Select Committee on Fundamental Liberty and Constitutional Rights established in November 2020, but that has yet to convene its first meeting. In line with a memorandum of understanding signed between

³⁶ Universal Periodic Review: the specific role of members of parliament before –during – and after the review at:

https://www.ohchr.org/Documents/HRBodies/UPR/TIPs_Members_Parliament.pdf.

³⁷ See: https://www.parliament.nz/resource/en-NZ/SCR_95110/805010637d2b63528bf9156e84337c1d364fce12.

the Moroccan NHRI and the Moroccan Parliament³⁸, the CNDH co-organized a workshop, in December 2019, attended by MPs, with a view to sensitizing the parliament on the UPR recommendations and to addressing issues related to the role of parliament in monitoring the implementation of UPR recommendations. The CNDH also trained the parliament staffers on the mainstreaming of UPR recommendations in draft legislations. Further, the CNDH reported in 2019 and in 2020³⁹ that the government should further involve the parliament in drafting the national reports under UPR.

The role of Civil Society

66. The role of CSOs⁴⁰ has been crucial to the success and effectivity of the UPR mechanism. With the breakthrough provision of CSOs being able to submit stakeholder reports to the UPR, a sea change has occurred in many countries with the emergence of active national coalitions, new collaborative initiatives with governments, NHRIs, Parliaments and the UN system. As outlined in the OHCHR guide, CSOs can conduct advocacy with the government to ensure a broad consultation process in the preparation of the State UPR report, maintain an open dialogue with relevant government ministries and ensure due consideration of the views of different stakeholders in the country, provide inputs to activities undertaken by UN country teams and encourage linkages between the implementation of UPR recommendations and the SDGs, including the development of consolidated national action plans on human rights. All the countries selected for this study have active CSOs engaged with the UPR. In most countries, national CSO coalitions have been formed, including:

67. After the pre-sessions organized by the NGO *UPR Info* ahead of the 3rd Universal Periodic Review of Peru in 2017, the *Colectivo EPU Perú* was formed, bringing together different organizations and coalitions that had produced UPR reports on the human rights situation of Peru. The member organizations of the network work on a variety of issues such as children, adolescents and youth, indigenous peoples and people of African descent, people with disabilities, LGBTI groups, women, human rights defenders, and business and human rights. The Collective has carried out various activities to strengthen civil society's capacity to follow up on the recommendations of the UPR. To name a few, the organizations and coalitions organized themselves to produce a publication on the human rights situation in Peru "Balance and perspectives from the mechanism of the Universal Periodic Review 2017⁴¹", with the support of the UN. The publication was shared with other civil society organizations in a public event that included the participation of State representatives. In order to keep the momentum originated with the conception of the Collective and to follow up and monitor the recommendations of the UPR, the coalition also linked its actions to the 2030 Sustainable Development Agenda. From this commitment, a common agenda was generated within the Collective as well as the working committees, in order to influence the follow-up policies of the different human rights mechanisms, taking a bottom-up approach.

68. The Kenya UPR Stakeholder Coalition has been in existence since 2008. Presently, it has a membership of at least 250 organizations. More than 500 individuals are in the UPR mailing list and receive communications. All these individuals and organizations are members of over 25 different Thematic Groups. In preparation for the 3rd cycle, 104 organizations signed the Joint Submission.⁴² Through the practice of preparing and

³⁸ This MoU was signed between the National Human Rights of Morocco and the two chambers of the Parliament. It is now being amended.

³⁹ Available on this link: <https://www.cndh.org.ma/ar/node/36304>.

⁴⁰ See 'Civil Society Compendium: A Comprehensive Guide for Civil Society Engagement with the UPR', UPR Info at: https://www.upr-info.org/sites/default/files/general-document/pdf/upr_info_cso_compendium_en.pdf

Also see: "Universal Periodic Review: Tips for engagement at country level for national human rights institutions and civil society", OHCHR at:

https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf.

⁴¹ https://www.upr-info.org/sites/default/files/document/peru/peru_esp_.pdf.

⁴² The UPR Coalition reported that this number did not include the faith based organizations (FBOs) who declined to sign the overall Joint Submissions due to the inclusion of SRHR and

submitting the mid-term report, CSOs in Kenya have been able to influence the adoption of the 2020 recommendations directed at Kenya. These have included recommendations on the right to education and recommendations on children with special needs, both received positively by the government delegates.

69. CSOs in Malaysia have been actively involved in the UPR consultations process, such as the Coalition of Malaysian NGOs in the UPR Process (COMANGO) that was formed by civil society organizations in 2008. It is one of the world's largest civil society coalitions dedicated to the UPR process, comprising of over 50 organizations. The UPR Committee of the Danish Human Rights Council consisting of 20 collaborating CSOs submitted a mid-term report prior to Denmark's 2nd UPR review. The report was prepared in consultation with the Danish Institute for Human Rights. The Danish government took their input into consideration in the drafting of its mid-term report.

70. Taking such comprehensive approaches, the formation of such broad and diverse coalitions for the purpose of the UPR process has led to broader coverage of issues, themes and rights, with constituent members contributing their expertise on different aspects of the UPR review.

The role of UN Country Teams

71. The work of the UNCTs is guided by several documents, including the UPR Practical Guidance that details the role of UN system entities at the country level in promoting the UPR⁴³ The Guidance Note on Human Rights for RC and UNCTs⁴⁴, the Internal Guidance on UN Sustainable Development Cooperation frameworks⁴⁵ and the UNSDG Operational Guide on Leaving No One Behind for UNCTs⁴⁶ make explicit call for engagement with human rights mechanisms and for the integration of their recommendations in the newly designed CCAs/UNSDCFs.

72. The UNCT in Peru actively participated in the various stages of the 3rd cycle of the UPR report, marking the beginning stage to involve new actors such as the Congress and the Judiciary. The aim was also to create spaces for preparation and dialogue with the Ministry of Justice and Human Rights, civil society, the Ombudsman, the European Union and the diplomatic community. The spaces promoted by the United Nations Country Team allowed members of civil society with then limited experience in advocating for human rights before the United Nations to become decisively involved in this process. These actors not only prepared individual and collective reports but also coordinated to bring concrete recommendations to Geneva and to embassies with a seat at the Human Rights Council. The EPU Collective generated alliances between various civil society actors that could have their own spaces for dialogue and recognition for the comprehensive development of a common human rights agenda. They also produced a joint publication containing their reports and central aspects of the 3rd cycle, including the recommendations, with support from the UN system. This group continues to actively participate in developing joint strategies, seeking systematic and integrated monitoring of their recommendations and generating advocacy.

73. The UNCT provided training to civil society organizations and the Ombudsman to promote their active participation in the interactive dialogue, including with the use of technological tools to do so. As soon as the dialogue was held, the UN, the EU and the Ombudsman carried out a joint activity in December 2019 to take stock of the dialogue and contribute to identifying next steps in the UPR. Likewise, civil society decidedly promoted the acceptance of the recommendations by the State. In addition, the UNCT produced

LGBTI issues. But despite these differences, the FBOs still signed the Thematic Group reports on education and health, two areas where they are very active in the country.

⁴³ See, OHCHR, Maximizing the use of Universal Periodic Review at Country Level: Practical Guidance: at:

https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

⁴⁴ [UNDG-Guidance-Note-on-Human-Rights-for-RCs-and-UNCTs-final.pdf](#).

⁴⁵ [UN-Cooperation-Framework-Internal-Guidance-Final-June-2019_1.pdf](#).

⁴⁶ [Interim-Draft-Operational-Guide-on-LNOB-for-UNCTs.pdf](#)

materials, videos, posters and utilised their social networks to publicize the features, importance and results of the dialogue.

74. Additionally, in the implementation of the UPR recommendations, efforts have been made to disseminate the UPR recommendations with other actors through training and events with the Ombudsman and the European Union. The UNCT in Peru has developed videos, brochures, infographics, and summarized compendiums for officers, made use of social networks and it has developed workshops that generate capacities and empowerment of civil society.⁴⁷ The UNCT advocated for the consideration of the UPR recommendations and the SDGs as a baseline for the design and approval of the National Plan for Human Rights 2018-2021. The UNCT continues to promote the establishment of a comprehensive recommendations follow-up system, which is articulated in the follow-up to the National Human Rights Plan and the 2030 Agenda.⁴⁸

75. The UNCT in Peru developed a comprehensive and participatory process for the preparation of the UNCT report before the Human Rights Council, with the active participation of its agencies, under the leadership of the RC. This included the submission of the report in the context of adverse conditions, such as the 2017 El Niño phenomenon, a natural disaster that called for the immediate and coordinated interagency reaction of the UN system to respond to the emergency. During 2019, within the framework of the follow-up of the UPR recommendations on the rights of children and adolescents and the preparation of the Sixth Periodic Report on the Convention on the Rights of the Child and the reports on the Optional Protocols for April 2021, workshops were organized by UNICEF with civil society and with public officials from regional governments in order to establish alliances and identify options for implementing the recommendations.⁴⁹

UPR and development actors, including the SDGs

76. The GPs collected for this study demonstrate a greater synergy between development cooperation and support for implementation of accepted human rights recommendations as a result of the UPR, especially in States that have some form of UN presence and are recipients of Official Development Assistance (ODA).⁵⁰ There are also positive examples of technical cooperation projects provided by OHCHR or other actors (donors) to support the implementation of recommendations and build up national capacity, since many countries have already received/and are involved in responding to a good number of requests for assistance (assisting in creating/strengthening national coordination mechanisms; analysis of recommendations; developing roadmaps with responsibilities, benchmarks and timelines;

⁴⁷ Additionally, given the upcoming 3rd cycle of the UPR, a space for reflection of civil society was promoted through the Study "Balance and perspectives from the 2017 UPR mechanism". The intention was for civil society to reflect on the processes and identify good practices and lessons learned.

⁴⁸ In this context, the work of the Voluntary Fund for Financial and Technical Assistance in the implementation of the universal periodic review is of relevance. Please see: A/HRC/44/19 (2020). (HRC 44 session). See, in particular Para 42 (...) "The Voluntary Fund also allowed the review of implementation of the National Human Rights Plan for 2018–2021, including in light of the recommendations of the third cycle of the universal periodic review and the 2030 Agenda."

⁴⁹ In 2020, the UNCT stated that plans were to carry out training and awareness-raising activities for civil society and public officials through the regional UPR in six regions of the Peruvian State in order to define regional implementation plans and provide elements of analysis for the Second Report. National Volunteer to be presented before the High Level Forum on Sustainable Development.

⁵⁰ See, for example, summary of the high-level panel discussion on this topic at the UN Human Rights Council on 26 February, 2018 at: https://webcache.googleusercontent.com/search?q=cache:6aGHaCmffBEJ:https://www.ohchr.org/Documents/HRBodies/UPR/SummaryHRC%252037_HL_Panel_Mainstreaming.docx+&cd=3&hl=en&ct=clnk&gl=ch.

identification of technical assistance needs; assistance in specific areas; mobilization of UN agencies to support implementation of recommendations).⁵¹

77. Georgia, for example, actively cooperates with the team of the OHCHR Senior Human Rights Adviser in Georgia, including in preparation of the national reports for the UPR and for UN human rights treaty monitoring bodies review processes. The technical assistance of the team of the OHCHR Senior Human Rights Adviser in the creation of the State Inspector's Office as an independent mechanism to investigate allegations of human rights abuses by law enforcement agencies addresses a number of recommendations accepted by Georgia in the 2nd cycle of UPR. Georgia submitted its 3rd national UPR report in October 2020 and the review of the national report took place in January 2021. During the review, the government of Georgia has stated that it would continue its close co-operation with OHCHR in Georgia. The Ministry of Foreign Affairs actively cooperates with all relevant stakeholders, including representatives of international and non-governmental organization and national human rights institutions in the course of drafting the national or mid-term report, which is presented to them⁵² for their comments and feedback.

78. The UPR has provided a platform through which the Kenyan National Human Rights Commission (KNHRC) mobilizes both technical and financial resources on the UPR. In the 2nd cycle of the UPR, the Commission was able to mobilize resources from development partners to support implementation of the recommendation on developing and adopting a national action plan on business and human rights. The Commission has also been able to leverage its partnerships with organizations within the Kenya Stakeholders Coalition on the UPR, notably UPR Info, and OHCHR to steer the UPR process in the 3rd cycle. The mid-term report was a joint effort of the Kenya Stakeholders Coalition of the UPR with the Kenya National Commission on Human Rights, OHCHR and UPR Info providing the necessary technical and logistical support. The Kenya National CSO Coalition on the UPR has received support from UPR Info, ICJ, LWF, and Family Health Options Kenya among others. These funds have been used to support meetings and retreats. UPR Info also provided technical support to the Kenya UPR Coalition from 2015 to 2019.

79. The Malaysian government has received support from OHCHR and UNCT to map and report follow-up actions on the recommendations following Malaysia's 3rd UPR review. Malaysia is currently working, under its National Human Rights Action Plan, on a project to map Malaysia's UPR recommendations in line with the SDGs.

80. The government of Malaysia reported that the SDGs are mainstreamed into all human rights related initiatives and activities. The government is now including UPR recommendations set alongside SDGs and the relevant indicators, in the UPR matrix. 'The Ministry of Foreign Affairs and the UNCT have jointly developed a monitoring matrix that includes reference to relevant articles/protocols to the human rights conventions and the SDGs, as well as align it to the recommendations of the National Human Rights Action Plan (NHRAP). The UNCT has appointed a consultant to populate the matrix.

81. Malaysia has also decided to implement the National Recommendations Tracking Database developed by OHCHR that facilitates the recording, tracking and reporting on the implementation of Human Rights recommendations. The system also allows agencies to update indicators on the development of a recommendation related to their respective agencies. NRTD can be viewed by the public and the CSOs and can strengthen dialogue and culture of human rights in the State, academia, civil society and the media.

82. In the framework of the UPR regional project led by the OHCHR Regional Office for South America, the Peruvian government played an active role, hosting events and promoting the UPR as a mechanism to improve the human rights situation. OHCHR provided technical

⁵¹ Other valuable involvement/support and assistance from OHCHR, for example, include: Country Offices: Human Rights Advisers: Human Rights components of UN peace missions: has served to monitor progress. OHCHR has also assisted in strengthening/establishing NHRIs in compliance with the Paris Principles. These NHRIs are actively working with the UPR.

⁵² These discussion meetings are organized in cooperation with the OHCHR office in Georgia.

assistance for elaborating the inter-sectoral protocol to create a NMRF throughout 2019 and provided capacity building for government officials, focal points and CSOs on the UPR.⁵³ The letter from the High Commissioner⁵⁴ helped to define national human rights priorities and set up the basis for technical assistance. The document refers to an ongoing project aimed at disseminating the UPR and its recommendations in the framework of a project “UPR Regional” strategically articulating the UPR and the 2030 Development Agenda.

83. Additionally, in the implementation of the UPR recommendations, the UNCT in Peru has made efforts to disseminate the UPR recommendations with other actors through training and events with the Ombudsman and the European Union. The UNCT has provided technical assistance to civil society to strengthen the activities of the UPR Collective and to promote its articulation with different sectors and levels of government. The UNCT consistently advocated for the consideration of the recommendations of the UPR and the SDGs as a baseline for the design and approval of the National Plan for Human Rights 2018-2021.

84. Increasingly, the UPR recommendations refer to the SDGs as complementary obligations of States to fulfil the commitments they have made to the international community. Following adoption of UPR reports, OHCHR produces a document tagging each recommendation with the respective SDG.⁵⁵ At the national level, GPs represent convergences occurring through NHRI and CSO advocacy work to ensure the integration of SDG commitments in the monitoring and implementation methodologies that the UPR has catalysed at the national level. Further, the clearly established link between international human rights instruments and SDG commitments is consistently made in several documents from the UN Human Rights Council.⁵⁶

85. Since their adoption, the Danish Institute of Human Rights has referred to the SDGs in its reporting to international human rights mechanisms including the UPR.⁵⁷ For instance, in its 2018 midterm report, the Institute linked all recommendations issued to Denmark to the SDG framework. The Institute has also highlighted the public hearings that were conducted in relation to the 3rd cycle review of Denmark, in the city of Aalborg in March 2020, focusing on the linkages between the SDG’s and human rights.

86. The Georgian Public Defenders Office (PDO) reported that they were preparing to engage in the next Voluntary National Report (VNR) for the SDGs. The PDO plans to submit an alternative report linking SDG commitments with the respective UPR recommendations. In recent years, Georgia has reported significant progress towards advancement of the Policy Development and Coordination System in the framework of the Public Administration Reform, in line with good governance best practices and the European Principles of Public Administration. The SDGs have also become an integral part of the national level policy-making process – linking national or sector level goals to the SDGs.

⁵³ Please see: Operations of the Voluntary Fund for Financial and Technical Assistance in the implementation of the universal periodic review A/HRC/44/19 (2020). (HRC 44 session) “As part of a Voluntary Fund project in Peru, the OHCHR Regional Office for South America received technical support to develop an intersectoral protocol that identifies the key phases for the preparation of reports and the implementation of recommendations, with a special emphasis on the implementation of recommendations from the universal periodic review. The protocol was widely disseminated among different stakeholders, such as the ombudsman’s office and civil society organizations, and it will allow for a better implementation of the universal periodic review and other human rights mechanisms’ recommendations. (...)”.

⁵⁴ The letter can be found at: <https://www.ohchr.org/en/hrbodies/upr/pages/peindex.aspx>.

⁵⁵ Also see the extensive database, from the Danish Institute of Human Rights, linking recommendations from human rights mechanisms to the SDGs at: <https://www.humanrights.dk/sdg-human-rights-data-explorer>.

⁵⁶ See, for example, ‘A Human Rights Based Approach to Data - Leaving No One Behind in the 2030 Agenda for Sustainable Development: Guidance Note to Data Collection and Disaggregation’ and ‘Human Rights Indicators: A Guide to Measurement and Implementation’ at: <https://www.ohchr.org/EN/Issues/Indicators/Pages/documents.aspx>.

⁵⁷ See, ‘SDG and Human Rights Data Explorer’ at: <https://www.humanrights.dk/sdg-human-rights-data-explorer>.

87. UPR recommendations and the SDGs are interconnected in the activities of several sectors in Kenya. The Kenyan CSO coalition Edmund Rice International Network (ERAN), for example, has integrated SDGs 1, 3, 5,6, 10, 16 and 17 in its human rights advocacy at the grass root level and with other actors, including engaging with county governments to update the implementation of the SDGs alongside the Kenyan Presidential big five pillars and vision 2030. The Kenyan National Commission on Human Rights (KNCHR) has been able to indirectly infuse SDGs into UPR work. The call to ‘leaving no one behind’, the transformative call for the 2030 Agenda will continue to inspire focus on the rights of the vulnerable and marginalized groups. The issues highlighted in the Commission’s submissions under the UPR are directly linked to various SDGs such as 2 (food security), 3 (access to health care), 5 (gender equality), 10 (reduced inequalities) and 16 (peace, justice and strong institutions). In addition, the Commission has prioritised work on sustainable development goals in its current strategic plan. The Commission continues to deliberately make reference to SDGs and UPR recommendations in its various advisory documents and submissions to duty bearers. The KNCHR stated that completion of the SDG 16 project will help strengthening the state reporting, including under UPR and VNR.

88. In Morocco, according to its NHRI, the UPR has become a basis for discussion and elaboration of a new development model. The Moroccan NHRI, the Conseil national des droits de l’homme (CNDH), has contributed, through a memorandum, to such development model. This memorandum, the draft of which was discussed and validated by the General Assembly of the CNDH, contains the recommendations of the 12 meetings that the CNDH organized across all regions of Morocco.

89. In Peru, the UPR and SDGs serve as a guide and foundation for the development of monitoring, investigative and publication work of the Office of the Ombudsman in Peru. Within the framework of monitoring the progress of the National Human Rights Plan, the Ministry of Justice and Human Rights in Peru has referred to how the implementation of the goals of the plan is related to the Sustainable Development Goals. The implementation of the National Human Rights Plan has generated spaces for the Ministry of Justice and Human Rights to approach the focal point of the SDGs, the National Centre for Strategic Planning (CEPLAN). Similarly, the implementation of the National Plan for Human Rights is incorporated in the Bicentennial Plan 2021 and in the Vision of Peru to 2030, in such a way that national priorities incorporate the human rights approach and the recommendations of the mechanisms of human rights through the matrices of the Plan.

Conclusions and Recommendations

90. The emerging good practices presented in this study reflect activities and mechanisms at the national level. The analysis presented can be used to draw lessons from these good practices that may offer useful guidance to countries across the world that are seeking to create their own success stories stemming from the UPR.

91. Firstly, one notable good practice is the collaborative spirit demonstrated by the various actors at the national levels involved in the UPR process. The UPR has significantly opened up spaces at the national level for collaboration (in various combinations) between governments and NHRIs, CSOs, Parliaments and other stakeholders. This collaboration has contributed to an overall increase in human rights accountability, education, and monitoring capabilities, while raising awareness of the UPR mechanism and related processes. Any such form of collaboration between different national actors, built around the UPR, can promote further realization of human rights at the national level.

92. As the UPR is a State peer review process via an inter-governmental body, the active involvement of governments in ensuring greater collaboration between various actors at the national level is fundamental. As seen from the many examples contained in this study, governments can play a key role to coalesce different actors at the national level towards a common engagement with the UPR. Such a unifying role comes about through regular consultation and collaboration with different national actors into ensuring compliance with the UPR prior to, during and towards the implementation phase. The letter from the High

Commissioner for Human Rights⁵⁸ that follows the adoption of UPR recommendations for all UN Member States supports these positive processes.

93. Secondly, among the various actors involved in collaborative efforts, Parliaments are particularly noteworthy. In various countries, they have been contributing to the UPR process through scrutiny of government involvement, allocation of appropriate budgets for human rights institutions, mechanisms and processes, and amendments or drafting of new legislation implementing UPR recommendations. Parliaments from all states need to engage more robustly with the UPR and ensure state compliance with international human rights and humanitarian law commitments. Also useful in elaborating on the positive role that Parliaments can play are the Tips for Parliament⁵⁹ prepared by OHCHR. These include ensuring discussion and debate on the UPR process; ensuring the implementation of UPR recommendations through the provision of adequate budgetary and legislative support; contributing to the preparation of the national reports; participating in the review at the UN and ensuring follow-up to the recommendations that require parliamentary action.

94. A third consistent practice with positive results has been the considerable increase in the involvement of UN agencies that have, often collectively as UN country teams, engaged with the UPR process. Active involvement of UN system in all countries where there is a UN presence (now also following the UN Practical Guidance) should bring greater integration of the international human rights instruments, mechanisms and institutions at the national level. As also highlighted in the UPR Practical Guidance⁶⁰ for UNCTs, the UPR provides an opportunity for UNCTs, led by the Resident Coordinator, and individual UN entities to: Advocate more forcefully and strategically on issues of common interest; Engage in dialogue on sensitive issues that may otherwise be delicate to raise; Facilitate a platform for discussions between State entities and civil society actors on human rights; Showcase the links between human rights recommendations and the 2030 sustainable development agenda UNCTs can ensure that this approach flows from the UN Sustainable Development Cooperation, and Reinforce and support the commitment by States to multilateralism, including through providing assistance in the implementation of UPR recommendations.

95. A fourth important factor reflected in the GPs presented in this report is the increased involvement of National Human Rights Institutions. The benefits that have accrued from the use of the UPR as an entry point to further engagement of NHRIs with the international human rights system are worth highlighting. Further involvement of NHRIs can also ensure a more rigorous monitoring process to hold governments accountable to their human rights commitments. The active involvement of NHRIs as focused national institutions in the area of human rights in UPR related processes, in all countries where they exist, should contribute to the improvement in the human rights situation. Also useful, in the context of GPs emanating from NHRIs, are the Tips⁶¹ issued by OHCHR. These suggestions highlight the role of NHRIs, serving as a bridge between governmental institutions and civil society, between the Judiciary and Parliaments, and as relay mechanisms between the national and international human rights systems and as a contributor to the UPR mid-term reporting process.

⁵⁸ For the text of the letter from the High Commissioner, see complete list at: <https://www.ohchr.org/EN/HRBodies/UPR/Pages/CyclesUPR.aspx>.

⁵⁹ Universal Periodic Review: the specific role of members of parliament before –during – and after the review at: https://www.ohchr.org/Documents/HRBodies/UPR/TIPS_Members_Parliament.pdf.

⁶⁰ “Maximizing the use of the Universal Periodic Review at country level: UPR Practical Guidance”, OHCHR at: https://www.ohchr.org/Documents/HRBodies/UPR/UPR_Practical_Guidance.pdf.

⁶¹ “Universal Periodic Review: Tips for engagement at country level for national human rights institutions and civil society”, OHCHR at: https://www.ohchr.org/Documents/HRBodies/UPR/Tips_21Sept2020.pdf
Also see: ‘The Universal Periodic Review: A Guide for National Human Rights Institutions’ at: https://www.upr-info.org/sites/default/files/general-document/pdf/nihrc_an_nhri_approach_to_the_upr_process.pdf.

96. A fifth practice that should be highlighted is the significant increase in the involvement of civil society organizations, since the inception of the UPR, in engagement with the international human rights system and action to hold governments accountable. The creation of national civil society coalitions on the UPR, as shown in this study, has brought perceptible change to the collaborative nature of civil society activities on human rights at the national level. This has also led to an increase in timely advocacy with the diplomatic community in various countries, the media and government and independent institutions. Regarding the important role of CSOs in the UPR process, the Tips issued by OHCHR also offer pointers on the nature of CSO work such as engaging in advocacy with the government to ensure a broad consultation process in the preparation of the State UPR report; maintaining an open dialogue with relevant government ministries and ensuring due consideration of the views of different stakeholders in the country, as well as providing input to activities undertaken by UN country teams and encouraging linkages to be established between the implementation of UPR and the SDGs.

97. A sixth element that can be described reflects the increasing number of submissions of mid-term reports by various actors involved in the UPR. These reports have considerably assisted in illuminating the monitoring and implementation practices, including rating systems, underway in States across the world. All states should employ the practice of preparing MTRs to assess progress mid-way between the UPR cycles, and ensure that the attention at the national level remains focused on the UPR.

98. A seventh welcome aspect is the increasing practice, by all actors involved in the UPR, to integrate the SDGs with the UPR process – during all stages of the UPR cycle. Such integration is essential to harmonizing state obligations and activities at the national level and, crucially, to linking the human rights and development agendas, including cross-fertilisation of the accountability mechanisms. A lasting benefit of engagement of all national actors with the UPR is an increase in transparency regarding compliance by States with their human rights obligations and the increase of opportunities to learn from, and engage actively with, the UN human rights system – with the aim to improve the human rights situation on the ground and to realise the rights of the all in society, beginning with the most vulnerable, marginalised and discriminated.

99. This study may open the way to a more systematic, in depth analytical research on the effectiveness of the UPR as a global human rights mechanism involving national actors in strengthening the promotion and protection of human rights. The overall conclusions of this study demonstrate the multiple benefits of engaging at the national level with the UPR. The study covers seven countries from different regions of the world. Although this is a small sample of countries, it is becoming evident that GPs using the UPR are increasingly prevalent across the world. To obtain a more comprehensive sense of the success of the UPR in increasing human rights awareness generally, in engaging different institutions at the national level and in increasing human rights accountability, it is critical to conduct a study that covers a wider set of countries. Any future studies should take into account the impact of the UPR in countries that have different political and constitutional systems as well as countries located in the most remote areas of the world and with diverse social and demographic fabric.

100. New research can also study whether the UPR is responding to the Covid-19 crisis both in terms of recognizing, in its recommendations, the adverse and disparate impact on human rights and on vulnerable groups as a result of the pandemic but also with GPs on how to frame a human rights response to the new challenges the world faces as it seeks to ‘build back better’ in the post-pandemic period.⁶²

101. From a methodological perspective, it would be essential to venture beyond the GPs established in this study to conduct in depth primary, on-site research that convincingly demonstrates that the human rights situation had actually improved the lives and situation of individuals and communities. Any such study will need to delve deeper into the impact of

⁶² For a discussion on why it is imperative that the UPR responds to Covid-19, see Kothari, M. ‘The UN’s Universal Periodic Review must respond to Covid-19’ at: <https://www.openglobalrights.org/the-un-universal-periodic-review-must-respond-to-covid/>.

the implementation of the well-meaning plans, strategies and methodologies that are considered as the institutional and structural GPs and that constituted the major focus of this study. The ultimate success of the UPR recommendations has to be reflected beyond that: as a positive and tangible improvement of the human rights situation on the ground.

Geneva, 9 June 2021

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